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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

INK PROJECTS, LLC,

Plaintiff,

v.

RUBEN KASPER, LLC, RUBEN  
ESTRELLADO, and MARVIN  
ESTRELLADO,

Defendants.

Case No. 2:23-cv-1568-JCM-BNW

**STIPULATION AND ORDER TO STAY  
DISCOVERY**

**(FIRST REQUEST)**

Defendants RUBEN KASPER, LLC, RUBEN ESTRELLADO, and MARVIN ESTRELLADO (collectively, "Defendants"), by and through their counsel of record, Kemp Jones, LLP, and Plaintiff INK PROJECTS, LLC ("Perma Blend"), by and through its counsel of record, Akerman LLP, hereby stipulate and agree to stay discovery pending resolution of Defendants' motions to dismiss (ECF Nos. 33, 37). In support of this stipulation, the Parties state as follows:

1           1.       Perma Blend initiated this action on October 2, 2023, alleging causes of action for: (1)  
2 breach of contract; (2) tortious interference; (3) unfair and deceptive trade practices; and (4)  
3 defamation. ECF Nos. 1, 2.

4           2.       Perma Blend subsequently moved for a preliminary injunction on October 12, 2023.  
5 ECF No. 9. The motion is fully briefed and ripe for a decision. ECF Nos. 28, 32.

6           3.       To accommodate for briefing on the preliminary injunction, as well as various time and  
7 scheduling constraints on counsel, Perma Blend agreed to extend Defendants' responsive pleading  
8 deadline until December 20, 2023.

9           4.       On December 4, 2023, Defendants filed a Special Anti-Slapp Motion to Dismiss  
10 Pursuant to NRS 41.660. ECF No. 33. The motion is fully briefed and ripe for a decision. ECF Nos.  
11 38, 41.

12           5.       On December 20, 2023, Defendants filed a Motion to Dismiss Pursuant to FRCP  
13 12(b)(6). ECF No. 37. The motion is fully briefed and ripe for a decision. ECF Nos. 44, 48.

14           6.       On February 15, 2024, this Court issued an order directing the parties to file a proposed  
15 discovery plan by February 29, 2024. ECF No. 47.<sup>1</sup>

16           7.       Since this time, the parties have conferred regarding discovery and case deadlines, and  
17 agree to a stay of discovery pending resolution of the motions to dismiss.

18           8.       Federal district courts have "wide discretion in controlling discovery." *Little v. City of*  
19 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). In exercising this discretion, a district court may stay  
20 discovery based on the filing of a motion that is "potential dispositive of the entire case." *Tradebay,*  
21 *LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). *See also Turner Broadcasting Sys. v. Tracinda*  
22 *Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997) (holding that "[w]hether to grant a stay is within the  
23 discretion of the Court...").

24           9.       In addition, Defendants contend that discovery should be stayed pursuant to NRS  
25 41.660(3)(e).

26           10.      The parties submit that a stay of discovery promotes judicial economy and efficiency  
27 as between the parties for several reasons.

28 <sup>1</sup> The Court entered the parties' proposed discovery plan on March 1, 2024. ECF No. 50.

- a. **First**, while Permablend does not concede that either of the motions to dismiss have merit, Permablend recognizes that the motions address certain threshold issues regarding choice of law and contract interpretation that could potentially narrow the scope of discovery in this case. Regardless of how the Court ultimately rules on these pending motions, the Court's decision is likely to provide necessary clarity.
- b. **Second**, the Parties are actively exploring the potential for settlement. A stay of discovery will allow the Parties to continue these discussions before incurring additional expenses on written discovery and related motion practice, which could impact the Parties' progress in these discussions.
- c. **Third**, and relatedly, the Parties are currently discussing the potential for alternative dispute resolution and/or mediation. To the extent the Parties can reach an agreement, the Parties submit it is in the best interest of both the Parties and the Court to wait until the mediation process has been completed prior to setting discovery deadlines and incurring the time and expense of written discovery, depositions, and anticipated motion practice.

11. Based on the foregoing, and in order to preserve the Parties' resources and to promote judicial economy, the Parties have agreed subject to the Court's approval to stay discovery pending resolution of the pending motions to dismiss.

12. The Parties submit this stipulation in good faith and not for the purpose of delay or prejudice to any party.

DATED this 15<sup>th</sup> day of March, 2024.

KEMP JONES LLP

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DATED this 15<sup>th</sup> day of March, 2024.

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**IT IS SO ORDERED:**

DATED: 3/19/2024



UNITED STATES MAGISTRATE JUDGE